IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

Bail Appl..No. 3655 of 2007()

: PETITIONERS/ACCUSED NOS. 1 TO 3:

1. MAHESH ALIAS UNNI,
S/O.BALAN, AGED 30 YEARS, KALLIVALAPPIL,
NIRAMARUTHOOR AMSOM DESOM, TIRUR TALUK,
MALAPPURAM DISTRICT.

2. BALAN,
S/O.CHATHU, AGED 60 YEARS,
-DO-, -DO-.

3. SAJEESH ALIAS BABU,
S/O.BALAN, AGED 28 YEARS,
-DO-, -DO-.

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS: COMPLAINANT

STATE OF KERALA REP.BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING SUB INSPECTOR OF POLICE,
PATTAMBI POLICE STATION.

BY ADV. SRI. JAI GEORGE, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3655 of 2007

Dated this the 18th day of June, 2007

ORDER

Application for anticipatory bail. The first petitioner is the husband. Second petitioner is the father in law and the 3rd petitioner is the brother in law of the defacto complainant. The marriage has been in force only for a period of two years. There is acrimony in the matrimony . The alleged incident took place on 3.6.2007. On account of the disharmony in the marriage, the victim was residing with her parents and the accused had allegedly gone to the parental home of the victim. In the course of discussions held, alleged incident is said to have taken place. The investigation is in progress. The petitioners apprehend arrest.

2. Learned counsel for the petitioners submits that fanciful and false allegations have been raised merely because of the strain in the marriage, it is prayed that the petitioners may be spared of undeserved trauma of arrest and incarceration.

3. Learned Public Prosecutor does not raise serious objections against grant of anticipatory bail. It is submitted that injuries suffered were simple and no serious injury is noted on the victim. I am

satisfied that this is a fit case were directions under Sec.438 Cr.P.C can be issued in favour of the petitioners, subject of course that appropriate and strict conditions which can be imposed in the interests of a fair and efficient investigation .

4. In the result, the bail application is allowed. The following directions are issued under Section 438 Cr.P.C.:-

i) The petitioners shall appear before the Learned Magistrate having jurisdiction at 11 a.m on 25.06.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/-(Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m. and 4 p.m on 26.06.2007 and thereafter they shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, until further orders.

iii) If the petitioners do not surrender before the learned

Magistrate as directed in clause (i), all directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with them in accordance with law.

iv) if the petitioners were arrested prior to their surrender to the learned Magistrate as directed in clause (i) above, they shall be released forthwith on their executing a bond of Rs.25,000/-(Rupees Twenty five thousand only) without any sureties undertaking to appear before the learned Magistrate as directed in clause(i) above.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE